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Patent

13151-2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Applicants : LINCOLN, Stephen E. and
KNAPP, Michael R.

Serial No. : 09/618,178

Filing Date: 18 July 2000

Title : "Automatic Genotype Determination"

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: Examiner: FREDMAN, Jeffrey N.
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: Group Art Unit: 1637
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Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, New York 10022
10/18/2006 CNGUYEN 00000052 09618178
Customer No. **23719** 180.00 OP

13 October 2006

Commissioner for Patents
Post Office Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(d)**

SIR or MADAM:

Pursuant to 37 CFR 1.97(d), the attorneys for the applicants hereby bring to the attention of the Patent and Trademark Office the following three publications broadly related to the field of the invention of the patent application identified above:

Certificate of Mailing Under 37 CFR 1.8

I hereby declare that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AE, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on

13 October 2006
Date

J. David Ellett, Jr. (Reg. No. 27,875)

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Michael R. Knapp
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Filed: 18 July 2000
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Non-Patent Literature Documents

- D.17 STRYER, L., *Biochemistry*, 3rd edition, (1988), page 169, W.H. Freeman and Company, New York;
- D.18 BOTSTEIN, D., WHITE, R. L., SKOLNICK, M., and DAVIS, R. W., "Construction of a Genetic Linkage Map in Man Using Restriction Fragment Length Polymorphisms," *American Journal of Human Genetics*, (1980), pages 314-331, volume 32; and
- D.19 VAN ARENDONK, J. A. M., SMITH, C., and KENNEDY, B. W., "Method to estimate genotype probabilities at individual loci in farm livestock," *Theoretical and Applied Genetics*, (1989), pages 735-740, volume 78.

The items listed above are identified on Form PTO/SB/08B which is submitted with this statement.
A copy of each of the items identified above is submitted with this statement.

The attorneys for the applicants take no position on whether or not any item cited above and listed on Form PTO/SB/08B constitutes prior art against the subject application under any particular provision of Title 35 of the United States Code.

Pursuant to 37 CFR 1.97(e)(1), the undersigned attorney hereby certifies that each item of information contained in the present information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. In particular, the three items identified above were first cited in a Statement of Grounds of Appeal filed in the European Patent Office by a third-party opponent on 14 July 2006 in connection with opposition proceedings involving a European counterpart to the subject application, European patent EP 0 736 107. A copy of the first page of the Statement of Grounds of Appeal bearing a date stamp of the European Patent Office accompanies the present information disclosure statement. The 14 July 2006 Statement of Grounds of Appeal was available on a Web site of the European Patent Office at some time on or after 14 July 2006 and was forwarded by the European Patent Office to a representative of the patent owner at some date on or after 14 July 2006. The present information disclosure statement is being submitted to the United States Patent and Trademark Office within three months of the

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date on or after 14 July 2006 on which the Statement of Grounds of Appeal was first communicated to applicants' representative by the European Patent Office.

According to European counsel, contents of the file of the opposition proceedings involving the counterpart European patent EP 0 736 107 are publicly available on a Web site of the European Patent Office at the following address:

www.epoline.org

by searching for the application on which the patent was based using a search facility available on the site with the application number in the format "95906094." The art of record in the opposition proceedings cited against the counterpart patent has been made of record in the present application, taking into account the present information disclosure statement. The examiner is invited to review the file of the opposition proceedings at the Web address noted should he deem that argumentation of the parties or holdings of the European Patent Office included in the file with respect to proceedings conducted under European patent law might somehow be of interest in connection with the examination of the subject United States patent application. Alternatively, the attorneys for the applicants will provide copies of any papers from the file of the opposition proceedings if requested.

The subject application is presently pending. On 12 October 2005 an Office Action was issued in connection with the subject application in which the claims of the application were finally rejected. The final rejection was appealed in a notice of appeal timely submitted to the United States Patent and Trademark Office by mail on 10 April 2006 along with petition to extend the time through 12 April 2006, each accompanied by a certificate of first-class mailing. The appeal was dated 14 April 2006. A petition to extend the time to file an appeal brief in the appeal through 14 November 2006 is being submitted to the United States Patent and Trademark Office by mail accompanied by a certificate of first-class mailing with the present information disclosure statement. Thus the application is pending.

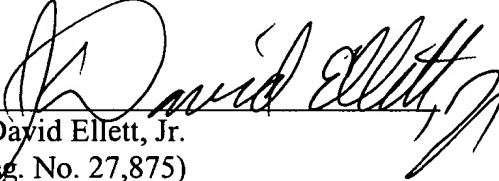
The fee under 37 CFR 1.97(d) for submitting an information disclosure statement under the present circumstances is estimated to be one hundred eighty dollars (\$180.00). A check to cover

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the estimated amount of \$180.00 is submitted with this statement in payment for the required fee.
Please charge any deficiency in the payment submitted for the fee, or credit any overpayment, to
deposit account No. 11-0171.

Respectfully submitted,

Attorneys for the Applicants

By 
J. David Ellett, Jr.
(Reg. No. 27,875)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

1

Complete if Known

Application Number	09/618,178
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Filing Date	18 July 2000
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First Named Inventor	LINCOLN, Stephen E.
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Art Unit	1637
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Examiner Name	FREDMAN, Jeffrey Norman
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Attorney Docket Number	13151-2
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NON PATENT LITERATURE DOCUMENTS

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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